

# Notice of Allowability

## Application No.

10/718,461

## Applicant(s)

MOLINARI ET AL.

## Examiner

Charanjit S. Aulakh

## Art Unit

1625

### -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Paper filed on Sep. 7, 2004.
2. ☒ The allowed claim(s) is/are 1-14 and 19-33.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 11/16/04.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### DETAILED ACTION

1. According to paper filed on Sep. 7, 2004, the applicants have amended claims 8 and 10-19 and furthermore, have added new claims 20-33.
2. Claims 1-33 are now pending in the application.

### EXAMINER'S AMENDMENT

3. The following amendment is pursuant to a telephone conversation with the applicant's attorney, Mr. Joseph Lucci on Nov. 16, 2004. The following changes have been made in claims:

Cancel claims 15-18.

In claim 1, page 2, for the values of variables R1-R4, R7-12, R14 and R15, last line, between either and Rp+1, insert ---an adjacent----

In claim 1, page 3, for the values of variables R21-R24, R27-R31 and R33-R35, last line, between either and Rq+1, insert ---an adjacent----

In claim 9, page 10, for the values of variables R1-R4, R7-12, R14 and R15, last line, between either and Rp+1, insert ---an adjacent----

In claim 9, page 11, for the values of variables R21-R24, R27-R31 and R33-R35, last line, between either and Rq+1, insert ---an adjacent----

In claim 11, page 12, line 1, after method of, delete ----treating --- and insert ---claim 10 wherein the said disease is----- and furthermore, lines 2-4, delete ---in a mammal in need thereof, which comprises administering to said mammal an effective amount of a compound of claim 1-----.

Art Unit: 1625

In claim 12, page 12, line 1, after method of, delete ----treating --- and insert ---claim 10 wherein the said disease is----- and furthermore, lines 2-4, delete ---in a mammal in need thereof, which comprises administering to said mammal an effective amount of a compound of claim 1-----.

In claim 13, page 12, line 1, after method of, delete ----treating --- and insert ---claim 10 wherein the said disease is----- and furthermore, lines 1-3, delete ---in a mammal in need thereof, which comprises administering to said mammal an effective amount of a compound of claim 1-----.

In claim 14, page 12, line 1, after method of, delete ----treating --- and insert ---claim 10 wherein the said disease is----- and furthermore, lines 2-3, delete ---in a mammal in need thereof, which comprises administering to said mammal an effective amount of a compound of claim 1-----.

In claim 19, page 13, line 1, after method of, delete ----treating --- and insert ---claim 10 wherein the said disease is----- and furthermore, lines 1-3, delete ---in a mammal in need thereof, which comprises administering to said mammal an effective amount of a compound of claim 1-----.

In claim 22, page 14, for the values of variables R1-R4, R7-12, R14 and R15, last line, between either and  $R_{p+1}$ , insert ---an adjacent-----.

In claim 27, page 18, for the values of variables R1-R4, R7-12, R14 and R15, last line, between either and  $R_{p+1}$ , insert ---an adjacent-----.

In claim 28, page 22, for the values of variables R21-R24, R27-R31 and R33-R35, last line, between either and  $R_{q+1}$ , insert ---an adjacent-----.

Art Unit: 1625

In claim 31, page 25, last line, after 36, insert ---a---.

In claim 32, page 26, last line, after 35, insert ---a---.

In claim 33, page 27, for the values of variables R21-R24, R27-R31 and R33-R35, last line, between either and Rq+1, insert ---an adjacent----.

#### REASONS FOR ALLOWANCE

4. The following is an examiner's statement of reasons for allowance:

Claims 1-14 and 19-33, renumbered as claims 1-29, are allowed since the applicants have amended claims to overcome enablement and indefiniteness rejections and therefore, all rejections under 35 U.S.C. 112, first paragraph and second paragraph are now withdrawn.

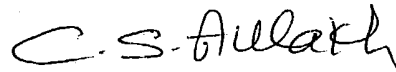
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charanjit S. Aulakh whose telephone number is (571)272-0678. The examiner can normally be reached on Monday through Friday, 8:30 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cecilia Tsang can be reached on (571)272-0562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1625

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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